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CONCORD, N.H.

Vincent R. Dahlfred, Asst. Industrial Director
Planning & Development Commission
State House Annex
Concord, New Hampshire

Dear Mr. Dahlfred:

This is in response to your letter of April 4th to John J. Zimmerman of this office asking his opinion as to whether you may legally incorporate in specifications for bids on the Southeastern New Hampshire Industrial Park a requirement that bidders purchase bid bonds and builders' risk insurance through the Dover Insurance Agents' Association. Mr. Zimmerman is in court this week and he has asked me to respond to your letter.

You state that members of the Dover Insurance Agents' Association have pledged themselves to donate commissions received on this insurance to the Dover Development Corporation for use in promoting the development of the Park. We are of the opinion that this procedure would constitute a violation of RSA 402:39 which prohibits insurance companies or agents from directly or indirectly rebating any part of the premium payable on any policy.

Very truly yours,

ETB/m

Elmer T. Bourque
Assistant Attorney General